



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN D.V.M.
COMMISSIONER



August 29, 2008

Mr. Jeff Truax, Director
Office of the State Register
P.O. Box 94095
Baton Rouge, Louisiana 70804-9095

RE: Declaration of Emergency
(LAC 7:XXXV. §303)

Dear Mr. Truax:

Enclosed is a copy of the Declaration of Emergency which in accordance with the Administrative Procedure Act R.S. 49:953 (B), and R.S. 3:4608 and 4680 the Commissioner of Agriculture and Forestry is declaring that an emergency exists and adopts by emergency process the attached regulations for the suspension of rules governing the sale of gasoline with greater than 7.8 Reid vapor pressure (RVP)..

If there are any questions, feel free to contact Benjy Rayburn at 225/922-1342.

Sincerely,

A handwritten signature in black ink, appearing to read "Tabitha I. Gray".

Tabitha I. Gray
Executive Counsel

cc: Honorable Bobby Jindal
Governor

Honorable Joel T. Chaisson, II,
Senate President

Honorable Jim Tucker, Speaker
House of Representatives

Honorable James "Buddy" Caldwell,
Attorney General

Honorable Francis Thompson, Chairman
Senate Committee on Agriculture

Hon. John F. "Andy" Anders, Chairman
House Committee on Agriculture

Declaration of Emergency
Department of Agriculture and Forestry
Office of Agro-Consumer Services
Chapter. 3. Petroleum Products
(LAC 7:XXXV.303)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B), and under the authority of R.S. 3:4608 and 4680, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached regulations for the suspension of rules governing the sale of gasoline with greater than 7.8 Reid vapor pressure (RVP).

On August 27, 2008, Governor Bobby Jindal declared a state of emergency in Louisiana for purposes of preparing for Hurricane Gustav. The hurricane could potentially make landfall in Louisiana on or about September 2, 2008 and create emergency conditions that threaten the lives and property of the citizens of the state. The state of emergency extends from August 27, 2008 through September 26, 2008, unless terminated sooner.

The Department of Agriculture and Forestry has adopted rules and regulations adopting the ASTM International standards for gasoline Reid vapor pressure (RVP). Certain geographic areas of the state are in a non-attainment area as set out in Federal Register 56, 215, 56694, November 6, 1991. These areas are required to have a 7.8 RVP gasoline from June 1 to September 15 of each year while the remainder of the areas in the state may sell gasoline with up to 9.0 RVP. During the state of emergency it will be necessary to supplement the supply of gasoline in the geographic areas required to have 7.8 RVP gasoline to ensure an adequate supply for the evacuation of persons from the path of the hurricane and for operation of emergency personnel. There is not a sufficient supply of 7.8 RVP gasoline in the state to ensure an adequate supply of gasoline for these purposes. Gasoline with a greater than 7.8 RVP will have to be transported into the affected areas from other geographic areas. A temporary suspension of these rules and regulations during the emergency is necessary to provide for an adequate supply of gasoline. Failure to suspend these rules and regulations creates an imminent peril to the public health, safety, and welfare of the citizens of this state.

These emergency rules become effective upon the signature of the Commissioner and shall remain in effect until the state of emergency declared by the governor on August 27, 2008 terminates or until 11:59 p.m. on September 15, 2008, whichever date occurs first.

Title 7
Agriculture and Animals
Part XXXV. Agro-Consumer Services
Chapter 3. Petroleum Products and Motor Fuels
§303. Standard Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends

A. – 8.

9. The ASTM D 4814, "Standard Specifications for Automotive Spark-Ignition Engine Fuel" seasonal volatility standards for the sale of greater than 7.8 RVP gasoline in non-attainment areas of the state of Louisiana are hereby suspended until termination of the state of emergency



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These emergency rules become effective upon signature of the Commissioner and shall expire at 11:59 p.m. on September 15, 2008.

For Mike Strain, DVM,
Commissioner of Agriculture and Forestry


By: Tabitha Gray Executive Counsel
Department of Agriculture and Forestry

8/29/08
Date

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

☒ EMERGENCY RULE

☐ NOTICE OF INTENT

☐ RULE

☐ POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) September, 20 08 *Louisiana Register* the document indicated above.

Department of Agriculture and Forestry
Office/Board/Commission promulgating this document

Office of Agricultural and Environmental Sciences
Department under which office/board/commission is classified

Dr. Mike Strain, DVM Commissioner
(name) (title)
Name and title of person whose signature will appear in the
publication (at the end of the document)

Benjy Rayburn 922-1342 237-5682
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact
regarding this document

Provide a short descriptive listing for this document to be used in
the *Louisiana Register* TABLE OF CONTENTS/INDEX (note: this
description should match the fiscal statement title, if sending a
Notice of Intent:

*If sending a diskette, indicate the name of the file on diskette:

Petroleum Products and Motor Fuels

Part XXXV. Agro-Consumer Services

Important: If submitting both an Emergency Rule (ER) and a Notice
of Intent (NOI) to be published this month, **AND** if the rule text in the
ER is identical to the rule text in the NOI, check here: ☐



Signature of Agency Head or Designee

Craig Gannuch Asst. Commisisoner
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT #

☐ **ISIS AGENCY:** I certify the availability of fiscal year 8 appropriated funds for the payment of the above referenced publication
and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental
sheet for additional lines of coding.

160 2514 4950
AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

☐ **NON-ISIS AGENCY:** I certify the availability of fiscal year appropriated funds for the payment of the above referenced
publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

Department of Agriculture and Forestry
Agency Name

P.O. Box 631
Street Address or Post Office Box

Baton Rouge Louisiana 70820
City State Zip Code



Signature of Agency Head or Designee - Phone #

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